

ORDINANCE NO. 10-19

ORDINANCE APPROVING A FINAL PLAT OF MARCIA'S PLAZA SUBDIVISION. **PROPERTY LOCATED ON THE NORTHEAST CORNER OF WEST 68 STREET AND NW 92-97 AVENUE CONNECTOR ROAD (HIALEAH/HIALEAH GARDENS BOULEVARD), HIALEAH, FLORIDA.** ACCEPTING ALL DEDICATION OF AVENUES OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 10, 2010 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The final plat of Marcia's Plaza Subdivision, submitted by Renegade At Hialeah Blvd, LLC, a Florida limited liability, by and through its Managing Member, Luis Machado, is hereby accepted. Property located on the northeast corner of West 68 Street and NW 92-97 Avenue Connector Road (Hialeah/Hialeah Gardens Boulevard), Hialeah, Miami-Dade County, Florida, zoned C-1 (Restricted Retail Commercial District) and classified under the Future Land Use Map as Commercial, and legally described as follows:

THAT PORTION OF THE SOUTH ½ OF TRACT 23, CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN THE SW ¼ OF SECTION 28,

TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28, THE STANDARD PLANE RECTANGULAR COORDINATES FOR THE EAST ZONE OF FLORIDA FOR SAID POINT BEING $X=711739.45$, $Y=25663973.12$; THENCE $N 89^{\circ} 36' 02'' E$ ALONG THE SOUTH LINE OF SAID SECTION 28 FOR 1,649.45 FEET; THENCE $N 02^{\circ} 35' 56'' W$ ALONG THE EASTERLY LINE OF SAID TRACT 23 AND ITS SOUTHERLY PROJECTION THEREOF FOR 50.04 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE $S 89^{\circ} 36' 02'' W$ ALONG A LINE 50.00 FEET NORTH OF AID SOUTH LINE OF SECTION 28 ALSO BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF A 40-FOOT CANAL RIGHT-OF-WAY FOR 294.17 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF NW 92-97 AVENUE (CONNECTOR) PER MIAMI-DADE COUNTY CASE NO. 92-14130, SAID POINT ALSO BEING THE POINT OF CURVE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS $S 58^{\circ} 07' 55'' E$ FROM THE RADIUS POINT; THENCE NORTHEASTERLY ALONG THE ARCE OF SAID CIRCULAR CURVE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF NW 92-97 AVENUE (CONNECTOR), HAVING A RADIUS OF 1,959.86 FEET, THROUGH A CENTRAL ANGLE OF $19^{\circ} 24' 07''$. FOR AN ARC DISTANCE OF 663.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE AFOREMENTIONED TRACT 23; THENCE $N 89^{\circ} 36' 01'' E$ ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTH HALF OF SAID TRACT 23 FOR 17.28 FEET TO THE NORTHEAST CORNER OF SAID SOUTH $\frac{1}{2}$ OF TRACT 23; THENCE $S 02^{\circ} 35' 56'' E$ ALONG THE AFOREMENTIONED EAST LINE OF SAID TRACT 23 FOR 610.23 FEET TO THE POINT OF BEGINNING.

Section 2: All dedication of avenues or other public ways together with all existing and future plantings of trees and shrubbery are hereby accepted.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the

City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9th day of March, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

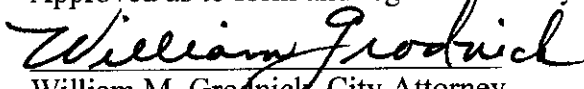
Attest: Approved on this _____ day of _____, 2010.

MAYOR'S SIGNATURE WITHHELD

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was passed and adopted by the Hialeah City Council on March 9, 2010 and became effective March 23, 2010 without Mayor's signature.